

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES  
Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-495

13 **DEBRA SCHULTE; aka DEBRA**  
14 **SCHULTE HACKER, aka DEBRA ANN**  
15 **SCHULTE**  
1096 Laurel Lane  
Pebble Beach, CA 93953

**A C C U S A T I O N**

16 **Registered Nurse License No. 406107**

Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 31, 1986, the Board of Registered Nursing issued Registered  
24 Nurse License Number 406107 to Debra Schulte; aka Debra Schulte Hacker, aka Debra Ann  
25 Schulte (Respondent). The Registered Nurse License was in full force and effect at all times  
26 relevant to the charges brought in this Accusation and will expire on December 31, 2013, unless  
27 renewed.

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

9. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. California Code of Regulations, title 16, section 1444, states, in pertinent part that a conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.

## COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case

### FIRST CAUSE FOR DISCIPLINE

**(Conviction of Crimes)**

12. Respondent has subjected her license to disciplinary action under Code sections 2761, subdivision (f) and 490, in that she was convicted of the following crimes that are substantially related to the qualifications, functions, and duties of a registered nurse:

1 A. On or about April 26, 2012, in Monterey County Superior Court, Case No.  
2 MS300865A, entitled *People v. Schulte, Debra Ann*, Respondent was convicted on her plea of  
3 nolo contendere of violating Vehicle Code section 23152, subdivision (b) (driving with a blood  
4 alcohol content of .08% or higher).

5 The circumstances of the crime are that on or about November 3, 2011, Respondent drove a  
6 vehicle while under the influence of alcohol. Respondent was sentenced to five years probation,  
7 five (5) days in jail, required to pay fines and restitution, and required to attend and complete a 3-  
8 Month First Offender Alcohol Program.

9 B. On or about June 27, 2012, in Marin County Superior Cour, Case No. CR177238A,  
10 entitled *People v. Debra Ann Schulte*, Respondent was convicted on her plea of guilty of violating  
11 Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol content of .08% or  
12 higher).

13 The circumstances of the crime are that on or about August 26, 2011, Respondent drove a  
14 vehicle at speeds up to 90 mph and failed to yield to the emergency lights and sirens of the  
15 pursuing California Highway Patrol and Novato Police Department officers, while under the  
16 influence of alcohol. The officers searched Respondent's vehicle and observed two cups  
17 containing wine, located in the center console and a opened bottle of wine in the passenger area.  
18 Respondent was sentenced to three years probation, fifty (50) hours of community service,  
19 required to pay fines and restitution, and required to attend and complete a First Offender  
20 Drinking Driver Program.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct - Use of Alcohol)**

23 13. Respondent has subjected her license to disciplinary action under Code section 2761,  
24 subdivision (a), on the grounds of unprofessional conduct as defined by section 2762, subdivision  
25 (b), by virtue of the convictions set forth in paragraph 12, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Offense Involving Use of Alcohol)**

3 14. Respondent has subjected her license to disciplinary action under section 2761,  
4 subdivision (a), on the grounds of unprofessional conduct as defined by section 2762, subdivision  
5 (c), by virtue of the convictions set forth in paragraph 12, above.

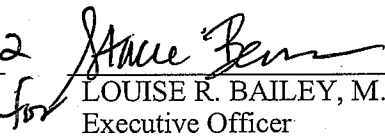
6 **PRAYER**

7 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
8 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

9 1. Revoking or suspending Registered Nurse License Number 406107, issued to Debra  
10 Schulte, aka Debra Schulte Hacker, aka Debra Ann Schulte

11 2. Ordering Debra Schulte, aka Debra Schulte Hacker, aka Debra Ann Schulte to pay  
12 the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this  
13 case, pursuant to Business and Professions Code section 125.3;

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: December 17, 2012   
16 for LOUISE R. BAILEY, M.ED., RN  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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